

REMARKS

One of the principal references relied upon by the Examiner to reject Claim 1 and others, Yost, U.S. Patent No. 2,982,049, discloses a loop formed of thin monofilament leader material adapted to hold live bait to a fish hook. The Yost device is significantly different in its purpose and structure from applicant's claimed fishing lure wherein a bait is held by a wire on the surface of a tube, not on a fish hook.

Richardson, U.S. Patent No. 5,881,490, which has also been cited to reject Claim 1 and others, discloses a "fishing rig" wherein conventional fish hooks are used to hold a bait fish to a leader and a wire is provided not to hold the bait on the leader but merely to prevent the mouth of the bait fish from opening while it is being dragged through the water.

Applicant respectfully submits that neither of these references discloses applicant's invention as currently claimed. Further, neither Richardson nor Yost teaches any method whereby they could be combined with each other in a manner so as to make obvious applicant's invention as claimed. Yost and Richardson relate to significantly different types of fishing with different types of bait using different methods to hold the bait on a fish hook. There is no reasonable way they could be combined to form even a workable structure, much less applicant's claimed invention.

In the Office Action the Examiner has also rejected Claims 4 and 9 under 35 U.S.C. § 103 as being obvious in view of the combination of Richardson or Yost, and Hinkson. Hinkson discloses a hook and leader arrangement including apparatus adapted to be inserted into the mouth of a herring and then bent to cause the bait to take on a particular shape as it moves through the water. Again, there is no teaching in either Yost or Hinkson of a method by which these two patents could be combined since the purpose of Yost is to maintain bait in a live condition, while Hinkson discloses a method for holding a dead herring.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Hinkson and Richardson both relate to the use of hooks to hold a herring on a line and not to positioning a bait around a tube and then holding it thereon by means of a wire.

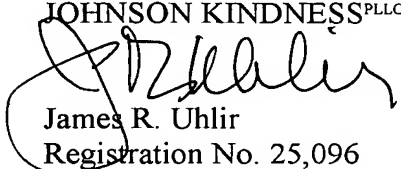
Claim 7 has been rejected under 35 U.S.C. § 103 in view of either Yost or Richardson and Brimmer, U.S. Patent No. 4,691,467. Brimmer discloses another method of holding bait on a hook, not unlike Yost. In particular, Brimmer discloses the use of a rubber band tied to a hook. A piece of plastic is then shrink wrapped over the rubber band. There is no teaching in any of the references as to how Brimmer could be combined with either Yost or Richardson to produce applicant's claimed invention.

Finally, Claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yost or Richardson in view of Mantel, U.S. Patent No. 3,795,074. While Mantel does disclose the use of a fish attracting blade, combining Mantel with either Yost or Richardson would not, for the reasons stated above, render applicant's claimed invention obvious.

Applicant submits that that in light of the above discussion of the cited art and the amendments to the claims, the claims as redrafted are in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



James R. Uhler
Registration No. 25,096
Direct Dial No. 206.695.1703

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

April 13, 2005



JRU:gm

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100